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January 26, 2006

### **BY ELECTRONIC COURT FILING**

Honorable Viktor V. Pohorelsky  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Tummino, et al. v. von Eschenbach***  
**Case No.: 05-CV-0366 (ERK/VVP)**

Dear Magistrate Judge Pohorelsky:

Plaintiffs' Attorneys, Andrea Costello and Shelbi Day, hereby respectfully request that they be permitted to appear by telephone, in lieu of personal appearance, at the hearing on Defendants' Motion for a Protective Order held in the above referenced case on January 27, 2006. Simon Heller and Nan Strauss, lead attorneys for Plaintiffs, will be personally appearing for the hearing.

We appreciate your Honor's time and attention to this matter.

Respectfully submitted,

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By: /s/ {filed electronically}  
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